

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the Zoning Code; making amendments and additions to the code regarding environmentally sensitive areas and amending Sections 15.30.190, 15.30.300 and 15.30.320.

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended the amendments and additions for adoption by the Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.30.190 of the SeaTac Municipal Code is hereby amended to read as follows:

15.30.190 Building Setbacks

Unless otherwise provided, buildings and other structures shall be set back a distance of fifteen (15) feet from the edges of all sensitive area buffers or from the edges of all sensitive areas if no buffers are required. The following may be allowed in the building setback area:

- A. Landscaping;
- B. Uncovered decks;
- C. Building overhangs if such overhangs do not extend more than eighteen (18) inches into the setback area; and

- D. Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions specified in City policies and rules adopted for the various sensitive areas.

See The following Sensitive Areas Setback Requirements Chart specifies Setback Buffers and additional Building Setbacks. The Setback Buffers specified are minimum requirements, and may be increased based on special studies completed by qualified professionals pursuant to Section 15.30.300 of this Title.

	SETBACK BUFFER	BUILDING SETBACK FROM BUFFER
Class I Wetland	100 feet	15 feet
Class II Wetland	50 feet	15 feet
Class III Wetland	35 feet	15 feet
Class 1 Stream	100 feet	15 feet
Class 2 Stream with Salmonids	100 feet	15 feet
Class 2 Stream	50 feet	15 feet
Class 3 Stream	25 feet	15 feet
Slopes 40% or greater	50 feet from top, toe, or side of slope	N/A
Landslide Hazard Areas	50 feet from all edges of the landslide hazard area	N/A

Section 2. Section 15.30.300(A) of the SeaTac Municipal Code is hereby amended to read as follows:

15.30.300 Wetlands – Permitted Alterations

Alterations to wetlands and buffers may be allowed only as follows:

- A. If the City determines, based upon its review of special studies completed by qualified professionals, that:
1. The wetland does not serve any of the valuable functions of wetlands identified in this chapter including, but not limited to, biologic and hydrologic functions; or
 2. The proposed development will protect or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland and will be consistent with the purposes of this chapter;

To establish the conditions in subsection (A), detailed studies may be required as part of the special study on habitat value, functions, hydrology, erosion, ~~and deposition~~, and/or water quality. Such detailed studies shall include at a minimum: specific recommendations for mitigation which may be required as a condition of any development proposal approval. ~~The recommendations may~~

~~include, but are not limited to, construction techniques or design, drainage, or density specifications;~~

a. Specific recommendations for mitigation;

b. Existing and proposed wetland acreage;

c. Vegetative, faunal and hydrologic conditions;

d. Relationship within watershed and to existing waterbodies;

e. Soil and substrate conditions, topographic elevations;

f. Existing and proposed adjacent site conditions;

g. Required wetland buffers; and

h. Property ownership.

i. A discussion of ongoing management practices to monitor and maintain wetland functions and habitat value.

The requirements in subsection (2) above may be modified upon written approval of the Director of Planning and Community Development, if the applicant demonstrates that the requirements of this section are met or are otherwise unnecessary.

Section 3. Section 15.30.320 of the SeaTac Municipal Code is hereby amended to read as follows:

15.30.320 Wetlands – Mitigation Requirements

A. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City. The following minimum requirements shall be met for the restoration of a wetland:

1. The original wetland configuration shall be replicated including its depth, width, length and gradient at the original location;
2. The original soil type and configuration shall be replicated;
3. The wetland edge and buffer configuration shall be restored to its original condition;
4. The wetland, edge and buffer shall be replanted with vegetation native to the City and King County which replicates the original vegetation in species, sizes and densities; and
5. The original wetland functions shall be restored including, but not limited to, hydrologic and biologic functions;

- B. The requirements in subsection (A) may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained;
- ~~C~~D. Enhancement shall be required ~~may be allowed~~ when a wetland or buffer will be altered pursuant to a development proposal, ~~but the wetland's biologic and/or hydrologic functions will be improved.~~ Minimum requirements for enhancement shall be established in the SEPA process but must maintain or improve the wetland's biologic and/or hydrologic functions;
- ~~D~~C. Replacement may be allowed ~~shall be required~~ when a wetland or buffer is altered pursuant to an approved development proposal if no reasonable opportunities exist for enhancement; ~~The requirements for the restoration of wetlands shall be met by replacement wetlands~~;
- E. All alterations of wetlands shall be replaced or enhanced on the site using the following formulas: Class I and II wetlands on a two (2) to one (1) basis and Class III on a one (1) to one (1) basis with equivalent or greater biologic functions including, but not limited to, habitat functions and with equivalent hydrologic functions, including, but not limited to, storage capacity;
- F. Replacement or enhancement off the site may be allowed if the applicant demonstrates to the satisfaction of the City that the off-site location is in the same drainage sub-basin as the original wetland and that greater biologic and hydrologic functions will be achieved. The formulas in subsection (E) shall apply to replacement and enhancement off the site; and
- G. Surface water management or flood control alterations including, but not limited to, wetponds shall constitute replacement or enhancement unless other functions are simultaneously improved. (Ord. 92-1041 § 1)

Section 4. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by January, 2004.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this _____ day of December, 2003, and signed in authentication thereof on this _____ day of December, 2003.

CITY OF SEATAC

Don DeHan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk
Approved as to Form:

Mary Mirante-Bartolo, City Attorney

[Effective Date_____]

2003 Zoning Code Amendments